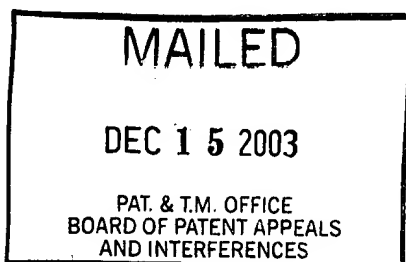




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

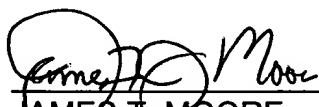
Filed by: Judge James T. Moore
Telephone: (703) 308-9797
Facsimile: (703) 305-0942



Applicant: MICHALUK
Application No.: 09/922,815
Filed: 08/06/01
For: High purity tantalum, products containing the same, and methods of making the same
Accorded benefit: Patent 6,348,133 B1, granted 02/19/02, based on Application 09/199,569, filed 11/25/98

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,158.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).



JAMES T. MOORE
Administrative Patent Judge

Filed by:

James T. Moore
Administrative Patent Judge
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Mail Stop Interference
PO Box 1450
Arlington, VA 22313-1450
Tel: (703) 308-9797
Fax: (703) 305-0942

Filed:
15 December 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

STEPHEN P. TURNER

Junior Party,
(Patent 6,331,233)

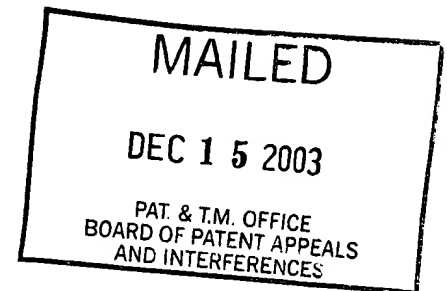
v.

CHRISTOPHER A. MICHALUK
LOUIS E. HUBER
MARK N. KAWCHAK
and
JAMES D. MAGUIRE, JR.

Senior Party
(Application 09/922,815)

Patent Interference No. 105,158

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)



Part A. Declaration of interference

An interference is declared (35 U.S.C. 135(a)) between the captioned parties. Details of the applications, patents, reissue applications, counts, and claims designated as corresponding to the counts appear under headings E and F of this NOTICE.

Part B. Judge designated to handle the interference

The interference has been assigned to Administrative Patent Judge James T. Moore. 37 CFR § 1.610.

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for action in this interference is scheduled for **2 p.m. (Eastern) on February 12, 2004.** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See STANDING ORDER ¶10.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies the NOTICE DECLARING INTERFERENCE. Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a longer period.

E. The parties involved in this interference are:

Junior Party

Named Inventors: STEPHEN P. TURNER, Moon, PA

Patent: 6,331,233, issued December 18, 2001 based on
 application 09/497,079; filed February 02, 2000

Title: Tantalum Sputtering Target With Fine Grains and Uniform
 Texture and Method of Manufacture

Accorded Benefit: None

Assignee: HONEYWELL INTERNATIONAL, INC. (US)

Attorneys: See last page

Address: See last page

Senior Party:

Named Inventors: CHRISTOPHER A. MICHALUK, Gilbertsville, PA
LOUIS E. HUBER, Allentown, PA
MARK N. KAWCHAK, Phoenixville, PA
JAMES D. MAGUIRE, JR, Norristown, PA

Application: 09/922,815; filed August 06, 2001

Title: High Purity Tantalum, Products Containing The Same,
and Methods of Making The Same

Accorded benefit: United States Application 09/199,569; filed November 25, 1998,
now United States Patent 6,348,133 B1 issued February 19, 2002

Assignee: CABOT CORPORATION (United States)

Attorneys: See last page

Address: See last page

F. Counts and claims of the parties

Count 1

A tantalum sputtering component, comprising tantalum having:

- (a) a mean grain size of less than 100 microns
- (b) a uniform texture of primarily or predominately (111) throughout a thickness of the component
- (c) a purity of at least 99.95% tantalum.

The claims of the parties are:

Turner: Claims 1-6

Michaluk: Claims 1-30, 32-37, 39, 63, 66, 81, 83-87, 93-101, 104-128, 131-139, 142-152, 155-159, 162-174 and 177-192

The claims corresponding to Count 1:

Turner: Claims 1-6

Michaluk: Claims 1-30, 32-37, 39, 63, 66, 81, 83-87, 93-101, 104-128, 131-139, 142-152, 155-159, 162-174 and 177-192

The claims not corresponding to Count 1:

Turner: None

Michaluk: None

G. Heading to be used on papers

Addendum 1 provides the heading that shall be used on all papers filed in the interference. See STANDING ORDER ¶3.5.

H. Summary of dates for taking action

Addendum 2 provides a summary of dates and times for taking action set in the STANDING ORDER.

I. Order form for requesting file copies


Addendum 3 provides an order form for requesting file copies. Use of the form will expedite the processing of your request.

J. Notice of intent to publish

In the event that this proceeding should result in a decision or order that the Board believes would be of interest to the public, the decision or order will be published without redaction unless, within sixty days of the entry date of this notice of declaration a party files as a separate paper a notice that specifically identifies information in its application that is not already publicly available that would warrant redaction.

If, after filing such notice, specifically identified information becomes publicly available (for example, through publication of a collateral application), the party shall promptly notify the Board of this change in the status of the information.

The parties are reminded that, in any case, at the end of the proceeding all of the information in the proceeding may be publicly available pursuant to 37 CFR § 1.11(e).


JAMES T. MOORE
Administrative Patent Judge

Enclosures:

- Copy of STANDING ORDER (Paper 002)
- Copy of sample order used for setting times for taking action in the preliminary motion phase of the interference
- Copy of sample order used for setting times for taking action in the priority phase of the interference
- Form PTO-850
- Copy of the Claims for 09/922,815
- Copy of US Patent 6,331,233

ADDENDUM 1

Paper _____¹

Filed on behalf of [name of party]

By: Name of lead counsel

Name of backup counsel

Street address

City, State, and ZIP Code

Tel:

Fax:

email@isp.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

STEPHEN P. TURNER

Junior Party,
(Patent 6,331,233)

v.

CHRISTOPHER A. MICHALUK

LOUIS E. HUBER

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and

JAMES D. MAGUIRE, JR.

Senior Party
(Application 09/922,815)

Patent Interference No. 105,158

TITLE OF PAPER

¹ Leave blank, the Board will administratively assign the paper number.

ADDENDUM 2

SUMMARY OF DATES FOR TAKING ACTION

Dates and times for taking action are set in the following paragraphs of the
STANDING ORDER:

<u>Date</u>	<u>Paragraph</u>
Identifying lead and backup counsel	4
Identifying any and all real parties in interest	5
Requesting copies of involved and benefit applications and patents	6
Accomplishing certain discovery	7
Filing clean copy of claims	8
Filing clean copy of claims in cases with drawings or claims containing a means plus function limitation	9
Filing list of proposed preliminary motions	10
Filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions	13.10.2
Objecting to admissibility of evidence	14.1.1
Serving supplemental affidavits or evidence to respond to objection to admissibility of evidence	14.2
When cross-examination can take place	14.3
Taking action with respect to settlement discussions	15.2

ADDENDUM 3

FILE COPY REQUEST
Patent Interference No. 105,158

Attach a copy of all pages of section E of this NOTICE to this REQUEST. On the copy, please circle each patent and application that you are requesting.

Include the following information to facilitate processing of this REQUEST:

1. Please copy and send one copy of the patent application files circled on attached section E to the address listed below.
2. Please charge fees and costs to USPTO Deposit Account No. _____.
3. Please send the copies to the street address listed below. (Note: please provide a complete physical address, including street, city, state, zip code and telephone number - do not list a Post Office box because file copies are sent by commercial overnight courier):

4. Any questions should be directed to the telephone number listed below (please include area code:

() - ..

cc: (via Federal Express)

Attorney for TURNER:

Leslie Weise
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P.O. Box 2245
101 Columbia Road
Morristown NJ 07962

Telephone: (408) 962-2007

Attorney for MICHALUK:

Martha Ann Finnegan, Esq.
Cabot Corporation
Billerica Technical Center
157 Concord Road
Billerica MA 01821

Telephone: (978) 670-6198
Fax: (978) 670-8027